

REMARKS

Claims 1-5, and 10-15 are currently pending. New claims 13, 14 and 15 have been added. No new matter has been added. Reconsideration is respectfully requested.

With regard to the rejections based upon prior art, claims 1, 2, 4, 5, 10 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacNeill ('260) in view of Carroll ('367). Claims 1, 2, 4, 5, 10 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over MacNeill ('260) in view of Singer et al. ('386). Lastly, claims 3 and 11 stand rejected under 35 U.S.C. §103(a) as merely being obvious.

To start off Applicant would like to clarify the teachings of Carroll ('367) and Singer et al. ('386). Although these references may teach making a threaded stem out of plastic they fail to teach bonding, during a molding process, of a softer plastic to a harder plastic.

Carroll ('367) teaches a hard plastic traction member secured to a hard plastic threaded stud. In fact the two parts are made from the same material. Just as in Singer et al. ('386) the threaded stud 90 is made from the same hard plastic as the underlying material 80, not the softer traction member 70. As such these two references teach no more than bonding two similar plastics together when forming a cleat. This happens to be the exact opposite of Applicant's invention, which is bonding a softer plastic traction member to a harder plastic threaded stem.

The bonding in Applicant's invention occurs by encasement of the softer material about the harder material, which is not shown, disclosed, taught or even contemplated by any

of the cited references. Specifically, Applicant has been able to eliminate the metal stem and use a hard synthetic plastic. This is achieved by providing a plastic having a hardness between 75 MPa and 85 MPa to permit the insert to function as a undersole engagement means, but also allow bonding to occur between it and a softer plastic traction member.

As to rejected claim 1, Applicant has amended this claim to clarify that the insert is encased by a traction member. The cited references fail to show an insert made from plastic and encased with a softer plastic traction member.

With regard to the rejections claim 12, Applicant believes that the Examiner has failed to appreciate the language of claim 12, in particular, “a plastic traction member which is secured to the insert and encases the flange during a molding process”.

In MacNeill ('260) the softer plastic traction member does not encase base 21 or stem 24. In Carroll ('367) no flange is taught, no encasement is taught and the use of two different plastics is not taught. Therefore, a combination of these two references could not result in Applicant's claimed invention.

In Singer et al. ('386), like MacNeill, the outer softer traction member does not encase the flange of the insert. In fact, the outer traction member not only fails to encase the flange 96 it fails to encase the anything that could be considered an insert, as underlying material 80 protrudes through traction member 70 at numerous spots. Therefore, a combination of these two references could not result in Applicant's claimed invention.

The Office Actions reliance on the base 21 to encase stem 24 in MacNeill does meet the claim language set forth by Applicant.

Again, claim 12 recites “a plastic traction member which is secured to the insert and encases the flange during a molding process” and claim 1 recites “a plastic traction member which is secured to the insert during a molding process, and encasing the insert with the exception of the engagement means”. This encasement limitation cannot be found in any of the cited references.

With regard to claim 10, the insert is now claimed to be of one integral piece and having a flange for encasement by a traction member and a raised spike. This structural combination is not shown or taught in the prior art.

With regard to the obvious rejection of claims 3 and 11, no prior art has been cited and the development of the specific hardness range is considered important. Applicant had to discover a plastic hardness level for the stem which would function as a rigid undersole engagement means, but also still permit a softer plastic to be bonded thereto in an injection molding process. This was not a matter of mere testing and optimization to discover workable ranges as so stated in the Office Action. As such, Applicant respectfully requests that prior art be cited which teaches Applicant’s claimed range.

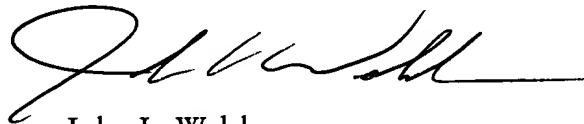
Lastly, new claim 15 has been added which limits the device to consisting of two components an insert and a traction member and also recites the encasement feature not shown or taught in the prior art.

In view of the amended claims, it is Applicant’s opinion that the prior art fails to show or teach the structure as now claimed, individually or in combination. Therefore, it is respectfully requested that all of the outstanding rejections be withdrawn.

Attached hereto is a marked up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made".

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John L. Welsh", written in a cursive style.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Amend claims 1 and 10 as follows:

1. (Amended) A cleat for an article of footwear consisting entirely of plastic, the cleat comprising:

an insert made from a synthetic plastic material, wherein the insert has a stem portion with engagement means for releasable engagement with a complementary formation defined on an undersole of the article of footwear; and

a plastic traction member which is secured to the insert during a molding process, and encasing the insert with the exception of the engagement means, thereby holding the traction member captive on the insert; wherein the insert is made from a synthetic plastic material having a greater hardness than the traction member.

10. (Amended) An insert for a cleat for an article of footwear consisting entirely of plastic, the insert being of one integral piece comprising:

a stem portion;

an engagement means at a first end of the stem portion for releasable engagement with a complementary engagement formation defined on an undersole of the article of footwear;

a securing formation having a flange extending orthogonally from the stem portion for encasement by a traction member and a raised spike extending from a second end of the stem portion.

Insert new claims 13 - 15 as follows: - -

13. A cleat according to claim 1, wherein the traction member includes a pair of passages arranged immediately adjacent to the insert, for receiving corresponding portions of a tool for fastening the cleat to the article of footwear.
14. A cleat according to claim 12, wherein the traction member includes a pair of passages arranged immediately adjacent to the insert, for receiving corresponding portions of a tool for fastening the cleat to the article of footwear.
15. A cleat for an article of footwear consisting entirely of plastic, the cleat consisting of two components an insert and a traction member:

the insert having a stem portion with an engagement means at a first end of the stem portion for releasable engagement with a complementary engagement formation defined on an undersole of the article of footwear; and

the traction member being made from plastic and encasing the insert therein during a molding process such that only the stem protrudes from the traction member; and

wherein the insert is made from a synthetic plastic material having a greater hardness than the traction member. - -